THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.29584 OF 1997,
WRIT PETITION NO.21690 OF 1998
AND
WRIT PETITION NO.30730 OF 1998

DATE: April 13, 2007

WRIT PETITION NO.29584 OF 1997

Between:
1. A.P. Cooperative Banks' Employees' Association (Regd. No.G-1074, Vijayawada), Represented by its General Secretary K.Mohan Raju, having jurisdiction over the entire State and 2 others.

…Petitioners

And

1. State of Andhra Pradesh., rep. by its Secretary, Co-operation, Secretariat Bldgs., Hyderabad and another.

…Respondents.

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WRIT PETITION NO.21690 OF 1998

Between:
1. Andhra Pradesh Cooperative Central Banks Employees' Association, (Regd. No.1100) Represented by its General Secretary, Ch.Madhava Rao, son of Murahari Rao, aged 54 years, employee of DCC Bank, Chittoor and another.

… Petitioners.

And

1. Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad and 23 others.

… Respondents.

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WRIT PETITION NO.30730 OF 1998

Between:
Chokkapu Ramulu. … Petitioner.

And
1. Registrar of Cooperative Societies,
A.P., Hyderabad and another.

... Respondents.

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COMMON ORDER:

Since the questions of fact and law that arise for consideration in all these writ petitions are common, they are being disposed of by this common order.

2. The impugned circular dated 15.3.1979 contemplates that in respect of Category III (Manager) all vacancies resulting in after promotion of any employee to higher posts, 1/3rd of such total number of vacancies should be excluded and reserved for direct recruitment as suggested by RBI. If there are 4 resultant vacancies in Category III, only one post may be reserved for direct recruitment and if there are 5 or 6 vacancies, 2 posts may be reserved to be filled up by direct recruitment. Thus, the rule earlier made reserving 1/3rd of the vacancies in the cadre of Manager (Category III) for direct recruitments and 2/3rd for in-service Assistant Managers for being promoted to the post of managers has been disturbed.

3. It is the contention of the petitioners that the 1/3rd direct recruitment is contemplated against all the sanctioned vacancies. Whenever, those who are promoted to 2/3rd vacancies are promoted further or retired from service, those posts also sought to be included for the purpose of 2/3 and 1/3 under the present impugned circular.

4. The grievance of the petitioner is that in the resultant vacancies if 1/3rd is reserved for direct recruits over a period of time, no vacancy will be available for promotees among Assistant Managers for being promoted to the post of Manager (Category III). The logic seems to be very simple. But, why the impugned circular has been issued is not known. However, it appears while admitting the writ petitions by way of interim order the respondents were directed to follow the old system of filling up of 1/3rd vacancies by direct while taking the total cadre strength into consideration. Further, it seems circular has been issued by the Registrar of Cooperative Societies, Andhra Pradesh, Hyderabad, in R.C. No.26970/ 99/C-3, dated 28.8.1999, reiterating the same stand as is taken by the petitioners herein and clarified that the instructions issued earlier in Circular Rc.No.5199/79/C-1(A), dated 15.3.1979, impugned herein, and the Circular Memo Rc.No.63205/94/C-3, dated 05.10.1994, are modified and the District Cooperative Central Banks are directed to restrict the direct recruitment quota to 1/3rd of the total sanctioned cadre strength in category III i.e., Managers and the direct recruitment should not exceed 1/3rd of the sanctioned cadre strength under any circumstances at any point of time.

5. Since the respondents themselves have clarified and modified the impugned proceedings, I am of the opinion that nothing remains in these writ petitions for further adjudication. However, this will not preclude the respondents from filling up the vacancies reserved under the interim orders passed by this Court by following the rule that at any given point of time there shall not be more than 1/3rd direct recruits in the total cadre strength in Category III (Managers).

6. These writ petitions are accordingly closed. No costs.

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(C.V.RAMULU, J.)

Date: April 13, 2007.
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